IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.21783 of 1997

Dated: 29-01-2007

Between:

1. Smt. Jagapelly Narsamma, w/o Narsaiah,
   aged about 35 years,
   r/o D.No.8-7-204,
   Kothirampur,
   Karimnagar – 505001 and 4 others.

... Petitioners

and

1. The District Collector,
   Karimnagar and 2 others.

... Respondents

ORDER:

This petition is filed seeking *mandamus* declaring the action of respondents in not regularizing petitioners' possession and enjoyment of their respective dwelling houses bearing Nos.8-7-204 to 8-7-204/4 in Sy.No.415, in terms of G.O.Ms.No.508, dated 20-10-1995 read with G.O.Ms.No.94, dated 24-01-1996, as illegal and without jurisdiction and consequently direct the respondents to regularize the possession and enjoyment of petitioners of their respective dwelling houses.

2. It is the case of petitioners that they belong to Scheduled Caste and Scheduled Tribe communities and about 15 to 20 years back they encroached upon the vacant Government land in the erstwhile village of Kothirampur, which was earlier within the limits of Kattarampur Gam Panchayat and raised huts therein. It is stated that the Gram Panchayat recognized their huts and during 1985 the Gram Panchayat was merged with the Karimnagar Municipality. It is further stated that they have been paying house taxes every year to the second respondent Municipality. According to petitioners they made several representations to first respondent to regularize their possession and to issue pattas in respect of the pieces of lands occupied by them. The grievance of petitioners is that respondents instead of regularizing their possession, they are trying to evict petitioners from their lands and also to demolish their houses without assigning any reasons.

3. Heard learned counsel for the parties.

4. The avowed policy of the Government is to assign pattas to the weaker sections and if they are in possession of any vacant lands and representations are made, the Government after considering the said representations, is issuing pattas. In that regard several G.Os. have been issued. In the instant case, according to petitioners, they have made several representations to the authorities to regularize their possession, but without passing any orders and contrary to the principles of the said G.Os., the Government is trying to evict them from the petition lands. Hence, respondent authorities are hereby directed to consider the representations of petitioners sympathetically and pass appropriate orders regularizing the petitioners' possession in respect of their respective dwelling

houses, provided it satisfies the legal requirements.

5. With the above directions, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.29-01-2007
GLV